



Indianapolis Metropolitan Police Department

GENERAL ORDER

1.17

JUVENILE ARREST PROCEDURES

POLICY

It is the policy of the Indianapolis Metropolitan Police Department (IMPD) to properly handle the arrest, transportation, and paperwork associated with juvenile offenders. It is imperative that the procedures in this directive and the Indiana Juvenile Code are strictly followed in order to affect a proper arrest.

DEFINITIONS

Juvenile – A person seventeen (17) years of age or younger.

RSR – Receiving, Screening, and Release; the unit at the Juvenile Detention Center, located at 2451 N. Keystone Ave., that receives and processes juveniles placed under custodial arrest.

PROCEDURE

I. Custodial Procedures – Referral to Juvenile Court

- A. All juvenile offenders eligible for outright custodial arrest, regardless of the charges against them, will be transported to RSR.
- B. Subject to the restrictions below, juvenile offenders may be taken into custody for the following reasons:
 - 1. Pursuant to a Court Order (IC 31-37-4-1) (IC 31-37-5-2); and
 - 2. When the officer has probable cause to believe the juvenile committed a delinquent act that would be an offense if committed by an adult (IC 31-37-1-2) (IC 31-37-4-2).

NOTE

A person eighteen (18) to twenty-one (21) years old must be taken to RSR if the Juvenile Court has issued a detention order for the person's arrest. For new charges, the person will be taken to the Arrestee Processing Center.

- C. Statutory Restrictions on Outright Custodial Arrests – According to IC 31-37-5-3, officers may only arrest juveniles without a detention order if the officer reasonably believes:
 - 1. The juvenile is unlikely to appear before the juvenile court for subsequent proceedings;
 - 2. The juvenile has committed an act that would be murder or a Level 1-Level 4 felony if committed by an adult; or
 - 3. Detention is essential to protect the juvenile or the community.
- D. Additional Restrictions on Outright Custodial Arrests – The Marion County Juvenile Court has imposed the following additional restrictions on the custodial arrest of juveniles:
 - 1. Juveniles who are alleged to have committed a delinquent act and who are twelve (12) years old or younger shall not be arrested without permission from the Juvenile Court judge.



2. Juveniles who are alleged to have committed only public intoxication or minor in possession of alcohol shall not be arrested without permission from the Juvenile Court judge.

NOTE

Officers must not use the unavailability or unwillingness of a parent to take care of the juvenile to justify an outright custodial arrest.

- E. Officers making juvenile arrests must have the following information listed on the Juvenile Fact Sheet:

1. The IMPD case number;
2. Basic identifying and demographic data;

NOTE

If unusual circumstances prevent the officer from obtaining certain facts from the juvenile (e.g., date of birth, family, school information, etc.) the RSR caseworker will complete this information.

3. Offenses should be listed in order of seriousness and should include charge levels (Felony 1-6, Misdemeanor A-C). Most of the applicable offenses and codes are listed on the back of the Juvenile Fact Sheet;
4. The offense and arrest date, time, and location; and
5. A limited, but detailed, statement of facts substantiating the offense(s) charged.

NOTE

A Juvenile Fact Sheet is not required if the arresting officer has completed the Field Arrest report before the juvenile arrives at RSR.

- F. RSR personnel will complete and update the court information section of the Juvenile Fact Sheet.

- G. Eskenazi Hospital

1. Only juveniles placed under immediate detention or who are eligible for custodial arrest and transportation to RSR can be taken to Eskenazi Hospital Detention Ward. If there is a question about whether the juvenile will be accepted by RSR, officers are strongly encouraged to call RSR before the juvenile is admitted into Eskenazi Hospital Detention Ward.
2. If a juvenile who does not qualify for processing by RSR is left at Eskenazi Hospital Detention Ward, the arresting officer will be called back to the hospital to take custody of the juvenile. The officer must then make appropriate arrangements to transfer custody to either a parent/guardian or DCS.

- H. Arrests of juveniles charged with a felony or an arrest requiring follow-up investigation will be assigned to the appropriate detective(s).

- I. Juvenile courts do not have jurisdiction over juveniles, ages 16 and 17, charged with the following offenses:

1. IC 35-42-1-1 (murder or attempted murder);
2. IC 35-42-3-2 (kidnapping);
3. IC 35-42-4-1 (rape);
4. IC 35-42-5-1 (robbery), if:
 - a. It was committed while armed with a deadly weapon; or
 - b. It results in bodily injury or serious bodily injury;



5. IC 35-47-2-1 (carrying a handgun without a license), if charged as a felony; and
6. IC 35-47-10 (children and firearms), if charged as a felony.

NOTE

A juvenile arrested for one of the above listed offenses, or for an adult Criminal Court warrant, must still be taken to RSR, but officers must fill out an Officer's Arrest Report (OAR) instead of a Juvenile Fact Sheet.

- J. The juvenile should be transported to RSR as soon as reasonably possible.
- K. Officers should determine if a juvenile has been harmed or is in danger of being harmed.
- L. Personnel at the Juvenile Detention Center will attempt to notify the juvenile's parent/guardian as soon as possible that their child has been taken into custody.
- M. The arresting officer shall complete an incident report, including a detailed probable cause.
- N. Status Offenses – In accordance with IC 31-37-7-1, a custodial arrest is not appropriate when the juvenile has committed only one or more of the following status offenses:
 1. Leaving Home without Permission of Parent, Guardian, or Custodian (IC 31-37-2-2)
 2. Violation of Compulsory School Attendance Law (IC 31-37-2-3)
 3. Habitual Disobedience of Parent, Guardian, or Custodian (IC 31-37-2-4)
 4. Laws Concerning Minors and Alcoholic Beverages (IC 31-37-2-6)
 5. Laws Concerning Minors and Use of Consumer Fireworks (IC 31-37-2-7)
- O. Curfew violations – Unless an officer determines that detention is essential to protect a juvenile or the community, the officer who detains a juvenile for a violation of the curfew law under IC 31-37-3 shall make a good faith effort to release the juvenile to the juvenile's parent, guardian, or custodian within a reasonable time after the juvenile is detained (IC 31-37-5-3).

II. Handling Juvenile Offenders

- A. When dealing with juvenile offenders, officers shall use the least coercive among reasonable alternatives, consistent with preserving public safety, order, and individual liberty.
- B. Officers may release the juvenile to a parent, as described below.
 1. The juvenile may be released with no further action; or
 2. The juvenile may be released to a parent with the knowledge that they will receive a summons to appear in juvenile court.
 - a. For the juvenile to receive a summons to appear in juvenile court, the officer must complete a Juvenile Fact Sheet and a detailed probable cause.
 - b. The arresting officer shall forward these documents to the juvenile prosecutor.



III. Protection of Juveniles' Rights

- A. Officers must ensure juveniles' state and federal constitutional rights are protected at all times. A waiver of any non-emancipated juveniles' rights must be joined by the juvenile's attorney, parent, or guardian (IC 31-32-5-1) (e.g., *Miranda* rights, *Pirtle* rights, etc.).
- B. Custodial Interrogation
 - 1. Prior to any interrogation, the officer will read and explain the department's "Juvenile Advice and Waiver of Rights" form to the juvenile and parent/guardian. The juvenile and parent/guardian are entitled to a private conference after the advisement of rights.
 - 2. When interviewing juveniles in custody, the interviewing officer shall ensure the number of officers directly involved in the interview is limited. The interview shall be conducted for only a reasonable length of time.